

Docket No. F-7921

Ser. No. 10/634,613

REMARKS

Claims 4-13 are now in this application. Claims 1-3 are rejected. Claims 1-3 are cancelled herein. New claims 4-13 are added.

TITLE OBJECTION

The title is objected to in the Office Action as being nondescriptive. The title is amended to read "RADIAL-PLY TIRE WITH SPECIFIED BELT STRUCTURE" as suggested in the Office Action to overcome this objection. It is respectfully submitted that the amended title is sufficiently descriptive. Applicant respectfully requests that the objection to the title be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Keefe, Jr. in view of Mirtain et al., Mirtain, Tomoda et al., Iwata et al. and Suzuki et al. Claim 1-3 are rejected rendering said rejections moot.

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NEW CLAIMS ADDED

New claims 4-13 are now added and are the same as in U.S. Patent No. 6,330,896 which issued from the grand-parent patent application 09/890,730 with the exception that the rubber pad limitation is omitted. Since this limitation was not considered by the Examiner as distinguishing, and claims 4-13 are identical in all other respects and the same art is applied as in the grand-parent application, it is respectfully submitted that the claims are patentable over the art of record.

Applicants further submit herewith a Terminal Disclaimer with respect to U.S. Patent No. 6,330,896 in order to remove any issues related to obviousness double patenting. The issue of statutory double patenting does not exist since the limitation of rubber pads has been removed from the present claims. thus, the present claims can be infringed without infringing the claims of the '896 patent.

In view of the above, it is submitted that the new claims do not raise new issues and place the application into condition for allowance based upon the above analysis relating to the grand-parent application. Accordingly, entry and allowance of the claims are earnestly solicited.

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TERMINAL DISCLAIMER FEE

A terminal disclaimer in compliance with 37 CFR 1.321(c) is herein filed.
Please charge the corresponding fee of \$110.00/55.00 to Deposit Account No. 10-1250.

TIME EXTENSION REQUEST


Applicant respectfully requests a three month extension of time for responding to the Office Action. Please charge the fee of \$1020 for the extension of time to Deposit Account No. 10-1250. A Notice of Appeal accompanies this response.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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enc: Notice of Appeal, and Terminal Disclaimer.